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Charles Dimick, Joseph P. Gisch, Gregory Halvorson,

John Peters, and Mark R. Benham

## UNITED STATES DISTRICT COURT

## FOR THE CENTRAL DISTRICT OF CALIFORNIA

RAYMOND FERRARI, on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

JOSEPH P. GISCH, et al.,

Defendants.

CASE NO. CV-03-7063-NM-(SJHx)

STIPULATION AND [PROPOSED]  
ORDER PERMITTING  
INDIVIDUAL DEFENDANTS  
AND BAIN DEFENDANTS TO  
FILE MEMORANDA OF POINTS  
AND AUTHORITIES IN EXCESS  
OF 25 PAGESHearing Date: None Set  
Judge: The Hon. Nora M. Manella  
Courtroom: 11

DOCKETED ON CM

SEP - 9 2004

BY 013

1 WHEREAS defendants Bruce D. McMaster, Charles Dimick, Joseph  
2 P. Gisch, Gregory Halvorson, John Peters, and Mark R. Benham (collectively, the  
3 "Individual Defendants") must respond to the Consolidated Amended Complaint on  
4 or before September 9, 2004;

5 WHEREAS defendants Bain Capital, Inc., David Dominik, Stephen G.  
6 Pagliuca, Stephen M. Zide, and Edward W. Conard (collectively, the "Bain  
7 Defendants") must respond to the Consolidated Amended Complaint on or before  
8 September 9, 2004;

9 WHEREAS the Individual Defendants as a group and the Bain  
10 Defendants as a group each intend to file a motion to dismiss the Consolidated  
11 Amended Complaint;

12 WHEREAS pursuant to the Court's Standing Order, the length of the  
13 memorandum of points and authorities in support of a motion to dismiss is limited  
14 to 25 pages;

15 WHEREAS, although the Individual Defendants and the Bain  
16 Defendants will make every effort to be concise, they each require more than 25  
17 pages to adequately address the allegations contained in the Consolidated Amended  
18 Complaint;

19 WHEREAS good cause exists for the memorandum filed by each of  
20 the Individual Defendants and the Bain Defendants to exceed 25 pages because the  
21 increased page limit allows the Individual Defendants and the Bain Defendants,  
22 each as a group, to address the allegations set forth in the approximately 90-page  
23 complaint and to provide a more thorough treatment of controlling case law;

24 WHEREAS Plaintiffs have agreed that the Individual Defendants and  
25 the Bain Defendants may file a memorandum of points and authorities in support of  
26 each of their motions to dismiss not to exceed 35 pages in length provided that the  
27 Individual Defendants and the Bain Defendants agree to grant Plaintiffs a similar  
28 page extension in opposing the Individual Defendants' and the Bain Defendants'

1 motions to dismiss;

2 WHEREAS the Individual Defendants and the Bain Defendants have  
3 agreed to grant Plaintiffs a similar page extension in opposing the Individual  
4 Defendants' and the Bain Defendants' motions to dismiss; and

5 WHEREAS pursuant to Local Rule 7-1, Plaintiffs, the Individual  
6 Defendants, and the Bain Defendants, by and through their attorneys, hereby  
7 stipulate and agree, and request the Court to order:

8 Defendants Bruce D. McMaster, Charles Dimick, Joseph P. Gisch,  
9 Gregory Halvorson, John Peters, and Mark R. Benham (collectively, the "Individual  
10 Defendants") shall be permitted to file a memorandum of points and authorities in  
11 support of their motion to dismiss the Consolidated Amended Complaint not to  
12 exceed 35 pages in length, and defendants Bain Capital, Inc., David Dominik,  
13 Stephen G. Pagliuca, Stephen M. Zide, and Edward W. Conard (collective, the  
14 "Bain Defendants") shall be permitted to file a memorandum of points and  
15 authorities in support of their motion to dismiss the Consolidated Amended  
16 Complaint not to exceed 35 pages in length.

17  
18 DATED: September 3, 2004 LIM, RUGER & KIM, LLP

19 By: Lisa Yang by MCS  
20 Lisa J. Yang, Esq.  
Attorneys for Plaintiffs

21  
22 DATED: September 3, 2004 PAUL HASTINGS JANOFKY & WALKER,  
23 LLP

24 By: Chris McGrath by MCS  
25 Christopher H. McGrath  
Attorneys for Defendants  
26 Bruce D. McMaster, Charles Dimick, Joseph  
P. Gisch, Gregory Halvorson, John Peters,  
and Mark R. Benham

27

28

1 DATED: September 3, 2004

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

2 By:

Harry A. Oliver, Jr. by MCS  
Harry A. Oliver, Jr.  
Attorneys for Defendants  
Bain Capital, Inc., David Dominik, Stephen  
G. Pagliuca, Stephen M. Zide, and Edward  
W. Conard

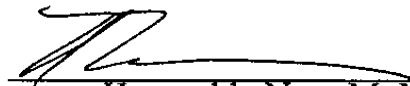
ORDER

SCANNED

For good cause shown and pursuant to the above Stipulation, defendants Bruce D. McMaster, Charles Dimick, Joseph P. Gisch, Gregory Halvorson, John Peters, and Mark R. Benham (collectively, the "Individual Defendants") are hereby permitted to file a memorandum of points and authorities in support of their motion to dismiss the Consolidated Amended Complaint not to exceed <sup>32</sup>~~35~~ pages in length, and defendants Bain Capital, Inc., David Dominik, Stephen G. Pagliuca, Stephen M. Zide, and Edward W. Conard (collectively, the "Bain Defendants") are hereby permitted to file a memorandum of points and authorities in support of their motion to dismiss the Consolidated Amended Complaint not to exceed <sup>32</sup>~~35~~ pages in length.

*Opp may not exceed 32 pages*  
*Reply may not exceed 16 pages*

Dated: September 7, 2004

  
Honorable Nora M. Manella  
United States District Judge

**PROOF OF SERVICE**

1013A(3) CCP Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 865 South Figueroa Street, 10th Floor, Los Angeles, CA 90017.

On September 3, 2004, I served the foregoing document(s) on interested parties in this action described as:

**STIPULATION AND [PROPOSED] ORDER PERMITTING DEFENDANT BAIN CAPITAL, INC. TO FILE A MEMORANDUM OF POINTS AND AUTHORITIES IN EXCESS OF 25 PAGES.**

**SEE ATTACHED SERVICE LIST**

X BY PLACING \_\_\_\_ the original X a true copy thereof enclosed in sealed envelopes addressed as follows:

X **BY MAIL**

X I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

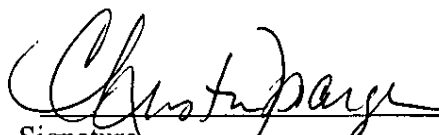
X **BY TELECOPIER**

X I caused to be transmitted the above-described document(s) from a facsimile transmission machine whose telephone number is (213) 624-0643 the following documents described above to whose facsimile transmission machine telephone number is listed above. The above-described transmission was reported as complete without error by a transmission report issued by the facsimile transmission machine upon which the said transmission was made immediately following the transmission.

Executed on September 3, 2004, at Los Angeles, California.

X (Federal) I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Christine Parga  
Type or Print Name

  
Signature

SCANNED

**SERVICE LIST**

SCANNED

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SCANNED